

FR 8022). The public comment period ended on January 11, 2021, and one comments was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

### III. Discussion of Comments

FMCSA received one comments in this proceeding. The comment received was outside the scope of this notice.

### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency

reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the December 11, 2020, **Federal Register** notice (85 FR 80222) and will not be repeated in this notice.

These three applicants have been seizure-free over a range of eight to 19 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in § 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

### V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

### VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

### VII. Conclusion

Based upon its evaluation of the three exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, § 391.41(b)(8), subject to the requirements cited above:

Dylan C. Hill (KS)  
James R. Satterlee (MI)  
Robert G. Schauer, III (IA)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-7363; FMCSA-2002-12844; FMCSA-2004-17195; FMCSA-2004-18885; FMCSA-2004-19477; FMCSA-2006-26066; FMCSA-2008-0106; FMCSA-2008-0231; FMCSA-2010-0354; FMCSA-2011-0379; FMCSA-2014-0007; FMCSA-2014-0010; FMCSA-2014-0299; FMCSA-2016-0033; FMCSA-2016-0209; FMCSA-2016-0347; FMCSA-2018-0017; FMCSA-2018-0018; FMCSA-2018-0208]

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 26 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

<sup>1</sup> These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

### I. Public Participation

#### A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-2000-7363; FMCSA-2002-12844; FMCSA-2004-17195; FMCSA-2004-18885; FMCSA-2004-19477; FMCSA-2006-26066; FMCSA-2008-0106; FMCSA-2008-0231; FMCSA-2010-0354; FMCSA-2011-0379; FMCSA-2014-0007; FMCSA-2014-0010; FMCSA-2014-0299; FMCSA-2016-0033; FMCSA-2016-0209; FMCSA-2016-0347; FMCSA-2018-0017; FMCSA-2018-0018; FMCSA-2018-0208, in the keyword box, and click "Search." Next, click the "Open Docket Folder" button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

#### B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

### II. Background

On November 30, 2020, FMCSA published a notice announcing its decision to renew exemptions for 26 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (85 FR 76652). The public comment period ended on December 30, 2020, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

### III. Discussion of Comments

FMCSA received one comment in this proceeding. An anonymous individual submitted a comment in support of the Agency's decision to grant the exemptions.

### IV. Conclusion

Based on its evaluation of the 26 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in § 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of January and are discussed below. As of January 3, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 45817; 65 FR 77066; 67 FR 71610; 69 FR 64810; 71 FR 66217; 73 FR 35201; 73 FR 46973; 73 FR 48275; 73 FR 54889; 73 FR 74565; 75 FR 44051; 75 FR 77949; 75 FR 77951; 77 FR 15184; 77 FR 27850; 77 FR 46153; 77 FR 68202; 77 FR 74730; 79 FR 21996; 79 FR 38659; 79 FR 46153; 79 FR 51643; 79 FR 53514; 79 FR 64001; 79 FR 65759;

79 FR 73689; 81 FR 1474; 81 FR 48493; 81 FR 59266; 81 FR 70251; 81 FR 74494; 81 FR 81230; 81 FR 90050; 81 FR 96165; 81 FR 96178; 81 FR 96180; 83 FR 28325; 83 FR 34661; 83 FR 40638; 83 FR 45750; 83 FR 53724; 83 FR 53727; 83 FR 56137; 83 FR 60954; 84 FR 2305; 84 FR 2311; 84 FR 2326; 84 FR 2328):

Darrin E. Bogert (NY)  
 Ronald A. Bolyard (WV)  
 Robert J. Clarke (NY)  
 Lane D. Fuller (KS)  
 J.W. Keener (PA)  
 Darrell D. Kropf (CA)  
 Donald L. Minney (OH)  
 Donald L. Nisbet (WA)  
 Jose H. Rivas (NM)  
 Pedro T. Tellez Alvarez (CA)  
 Roy F. Varnado, Jr. (LA)  
 Wade W. Ward (WY)  
 Christopher R. Whitson (NC)

The drivers were included in docket numbers FMCSA-2000-7363; FMCSA-2008-0106; FMCSA-2008-0231; FMCSA-2011-0379; FMCSA-2014-0007; FMCSA-2014-0010; FMCSA-2016-0033; FMCSA-2016-0209; FMCSA-2016-0347; FMCSA-2018-0017; FMCSA-2018-0018; FMCSA-2018-0208. Their exemptions were applicable as of January 3, 2021, and will expire on January 3, 2023.

As of January 9, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (71 FR 63379; 72 FR 1051; 73 FR 78423; 75 FR 79083; 77 FR 74734; 79 FR 73686; 81 FR 96165; 84 FR 2311):

David L. Cattoor (NV)  
 Ronald C. Morris (NV)  
 Kevin L. Truxell (FL)  
 Lee A. Wiltjer (IL)

The drivers were included in docket number FMCSA-2006-26066. Their exemptions were applicable as of January 9, 2021, and will expire on January 9, 2023.

As of January 10, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (71 FR 73397; 80 FR 9304; 81 FR 96165; 84 FR 2311):

Jesse L. Lichtenberger (PA)  
 Frederick E. Schaub (IA)

The drivers were included in docket number FMCSA-2014-0299. Their exemptions were applicable as of January 10, 2021, and will expire on January 10, 2023.

As of January 12, 2021, and in accordance with 49 U.S.C. 31136(e) and

31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (69 FR 53493; 69 FR 64742; 71 FR 62148; 73 FR 61925; 75 FR 59327; 75 FR 72863; 76 FR 2190; 77 FR 74273; 79 FR 73687; 81 FR 96165; 84 FR 2311):

Thomas L. Oglesby (GA)  
David W. Ward (NC)  
Ralph W. York (NM)

The drivers were included in docket numbers FMCSA–2004–18885; FMCSA–2010–0354. Their exemptions were applicable as of January 12, 2021, and will expire on January 12, 2023.

As of January 14, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (69 FR 64806; 70 FR 2705; 72 FR 1056; 73 FR 76439; 75 FR 79084; 77 FR 75496; 79 FR 74169; 81 FR 96165; 84 FR 2311):

Francis M. McMullin (PA)

The driver was included in docket number FMCSA–2004–19477. The exemption was applicable as of January 14, 2021, and will expire on January 14, 2023.

As of January 17, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 68719; 68 FR 2629; 69 FR 71100; 72 FR 1053; 73 FR 76440; 75 FR 80887; 77 FR 76167; 79 FR 74168; 81 FR 96165; 84 FR 2311):

Howard F. Breitzkreutz (MN)

The driver was included in docket number FMCSA–2002–12844. The exemption was applicable as of January 17, 2021, and will expire on January 17, 2023.

As of January 31, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (69 FR 17263; 69 FR 31447; 70 FR 44946; 71 FR 43557; 73 FR 42403; 75 FR 38602; 75 FR 72863; 76 FR 2190; 78 FR 800; 80 FR 603; 81 FR 96165; 84 FR 2311):

Jose M. Suarez (TX)  
Richard L. Zacher (OR)

The drivers were included in docket numbers FMCSA–2004–17195; FMCSA–2010–0354. Their exemptions were applicable as of January 31, 2021, and will expire on January 31, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

*Associate Administrator for Policy.*

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**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0111]

#### Agency Information Collection Activities; Revision of an Approved Information Collection: Practices of Household Goods Brokers

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval.

**DATES:** Please send your comments by March 3, 2021. OMB must receive your comments by this date in order to act quickly on the ICR.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

#### FOR FURTHER INFORMATION CONTACT:

Monique Riddick, Commercial Enforcement and Investigations Division, U.S. Department of Transportation, Federal Motor Carrier Safety Administration, West Building, 6th Floor, MC–ECC, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: 202–366–8045; email [monique.riddick@dot.gov](mailto:monique.riddick@dot.gov).

## SUPPLEMENTARY INFORMATION:

### Background

As a result of Title IV, Subtitle B of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59) and a petition for rulemaking from the American Moving and Storage Association,<sup>1</sup> FMCSA amended then-existing regulations for brokers in a final rule titled, “Brokers of Household Goods Transportation by Motor Vehicles,” (75 FR 72987, Nov. 29, 2010). The 2010 rule revised 49 CFR part 371 by providing additional consumer protection responsibilities for brokers of Household Goods (HHG).

Section 4212 of SAFETEA–LU directs the Secretary to require HHG brokers to provide potential shippers with information throughout the various stages of their interaction. The below summarizes the information collection required of the HHG broker at the various interaction stages between the HHG broker and shippers as laid out by 49 CFR part 371, subpart B.

### I. First Phase: “Prospecting”

When HHG shippers are looking to procure HHG brokers’ services, brokers must collect the following information and display it on their websites and solicitation materials:

- Their physical address (49 CFR 371.107(a));
- Their U.S. DOT number(s) and MC number (49 CFR 371.107(b));
- A statement indicating that they will not transport the shipper’s goods but will only arrange for goods to be transported by a registered motor carrier (49 CFR 371.107(c));
- If brokers choose to publish rates on their websites or solicitation materials, the broker must also publish a statement that the rates are based on a motor carrier’s publicly available rates (49 CFR 371.107(d));
- If brokers choose to publish a list of motor carriers with whom they work, the list must only be a list of motor carriers with whom brokers have agreements (49 CFR 371.107(e)); and
- Brokers must publish information regarding their cancellation policies, including information on deposits and refunds (49 CFR 371.117(a)).

### II. Second Phase: “Contact”

When HHG shippers make reasonable requests seeking additional information

<sup>1</sup> As of August 8, 2020, the American Moving and Storage Association (AMSA) announced AMSA will join the American Trucking Associations (ATA) as the Moving & Storage Conference. Retrieved January 1, 2021 from: <https://www.moving.org/amsa-to-become-conference-of-american-trucking-associations/>.